

November 15, 2005



U.S. Department
of Transportation

400 Seventh Street, S.W.
Washington, D.C. 20590

**Pipeline and
Hazardous
Materials Safety
Administration**

DOT-SP 10458
(SIXTEENTH REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the use of DOT Specification 111A100W2 tank car tanks loaded with the hazardous materials identified in paragraph 6 below, to remain attached to transfer connections when the unloading process is discontinued. This special permit provides no relief from any Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.302(c) in that the marking requirement is waived; and § 174.67(i) and (j) in that tank cars are not allowed to stand with unloading connections attached after unloading, except as specified herein.
5. BASIS: This special permit is based on the application of Marsulex Incorporated dated May 20, 2005 submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Sulfuric acid <i>with more than 51% acid</i>	8	UN1830	II
Sulfuric acid, fuming <i>with less than 30% free sulfuric trioxide</i>	8	UN1831	I
Sulfuric acid, spent	8	UN1832	II
Sulfur dioxide	2.3	UN1079	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are DOT Specification 111A100W2 tank car tanks.

b. OPERATIONAL CONTROLS - The provisions of this special permit are applicable at the following Marsulex facilities: Oregon, Ohio and Whiting, Indiana; and the following Chemtrade Logistics facilities: Cleveland, Ohio; Chicago, Illinois; Cairo, Ohio; Kalama, Washington; and Leeds, North Carolina.

c. An employee who is familiar with the nature and properties of the material being unloaded must be made responsible for unloading.

d. The employee responsible for unloading must be instructed on the procedures to be followed during unloading and, in the event of an emergency, has the authority and ability to halt the flow of product and take emergency actions.

e. When an electronic or mechanical monitoring device is used, the device must be capable of immediately halting the flow of product or alerting an employee responsible for unloading in the event of an emergency.

f. The electronic or mechanical monitoring device must provide immediate notification of any malfunction to the person responsible for unloading, or the device must be

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checked hourly for malfunction. In the case of malfunction, the device will no longer be relied upon, and instead the individual responsible for unloading will constantly observe the unloading process.

8. SPECIAL PROVISIONS:

- a. Any manually operated switch providing access to the track on which the equipment is located must be lined against movement to that track and locked with a non-railroad effective locking device.
- b. A derail (one that is capable of restricting access to that portion of track within the area on which the tank car tanks are located) must be positioned at least 50 feet from the end of the equipment to be protected by the caution sign. The derail must be locked in the derailling position with a non-railroad effective locking device by the employee performing the unloading/loading operation.
- c. Written safety procedures must be on file with the Office of Hazardous Materials Special Permits and Approvals and at each location where the unloading is performed and must contain at least the following:
 - monitoring of the transfer process [see paragraphs 7(c), (d), and (e)]
 - employee safety
 - unloading/loading procedures
 - movement of tank cars adjacent to unloading/loading tracks
 - testing and maintenance of system components
 - emergency measures
- d. The marking requirements of § 172.302(c) are waived.
- e. All unloading connections must be unhooked at the close of business.
- f. Shipping papers displaying 'DOT-E 10458' may continue to be used until November 1, 2006 provided the special permit remains valid.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: None as a requirement of this special permit.

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11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq.:

- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when the special permit has expired or is otherwise no longer in effect.

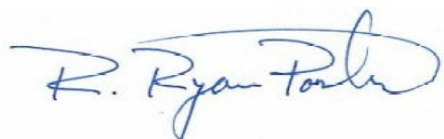
Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)- 'The Hazardous Materials Safety and Security Reauthorization Act of 2005' (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term 'exemption' to 'special permit' and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of

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this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.

A handwritten signature in blue ink, appearing to read "R. Ryan Torler".

for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: dl